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24
November 23, 2021

VIA E-FILE

Hon. George E. Schaefer, Clerk
Norfolk Circuit Court
150 St. Paul's Blvd, 7th Floor
Norfolk, VA 23510-2773

Re: Daniel Dotterer v. Eimskip Logistics, Inc., Eimskip, USA, Iceland Steamship Inc., Werres Corporation, & The Raymond Corporation
NCC Law No.: TBD

Dear Sir:

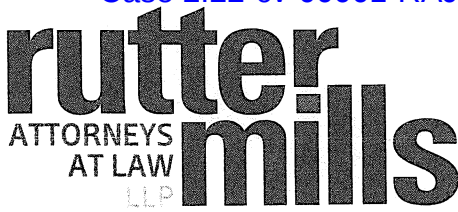
Attached please find a Civil Cover Filing Sheet and Complaint for filing with regard to the above-referenced matter. Also attached is Plaintiff's First Set of Interrogatories, Request for Production of Documents, and Request for Admissions to the Defendants. Please prepare a service packages for the defendants. I will have Driskell Services effect service of the Complaint packages.

Please prepare a service package to be forward to the State Corporation Commission to serve Defendant, The Raymond Corporation:

The Raymond Corporation
c/o State Corporation Commission
Tyler Bldg., 1st Floor
1300 E. Main St
Richmond, VA 23219

We are enclosing the following documents:

1. Two (2) additional copies of the Complaint;
2. Two (2) copies of plaintiff's Interrogatories, Request for Production of Documents and Requests for Admissions to Defendant, The Raymond Corporation;
3. A Service of Process form on the State Corporation Commission;



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4. An envelope addressed to The Raymond Corporation c/o State Corporation Commission;
5. An envelope addressed to my attention to be sent to the State Corporation Commission in order to provide me with a copy of the verification of filing with your Court; and
6. Our check payable to the State Corporation Commission in the amount of 308.00.

Please forward the necessary documents to the State Corporation Commission for service on Defendant, The Raymond Corporation.

Please do not hesitate to contact me should you need anything further. Thank you for your usual courtesies and extended assistance in this matter.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew Boran".

Andrew Boran, Esq.

MAB/mop

Enclosures

Cc/enc: Eimskip Logistics, Inc.

Werres Corporation

The Raymond Corporation

Driskell Services

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.

(CLERK'S OFFICE USE ONLY)

NORFOLK

Circuit Court

DANIEL DOTTERER

PLAINTIFF(S)

v./In re:

EIMSKIP LOGISTICS, INC., et al

DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL**Subsequent Actions**

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☒ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption – Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment – Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect – Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint – Contested*
☐ Complaint – Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement – Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☐ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare/Create
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Amend Death Certificate
☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Approval of Transfer of Structured Settlement
☐ Bond Forfeiture Appeal
☐ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration – Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights – Restoration
☐ Forfeiture of Property or Money
☐ Freedom of Information
☐ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights – Restoration
☐ Other (please specify)

☒ Damages in the amount of \$ 1,500,000.00 are claimed

11/24/2021

DATE

Andrew Boran, Esquire

PRINT NAME

RUTTER MILLS LLP

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

160 W. Brambleton Ave, Norfolk, VA 23510 (757)622-5000

aboran@ruttermills.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☒ PLAINTIFF
☐ DEFENDANT

**"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK

DANIEL DOTTERER,

Plaintiff,

v.

**CIVIL CASE NO.:
PLAINTIFF DEMANDS
TRIAL BY JURY**

EIMSKIP LOGISTICS, INC., d/b/a EIMSKIP LOGISTICS (CITY OF VIRGINIA BEACH), a/k/a EIMSKIP TRANSPORT (VIRGINIA BEACH CI), a/k/a EIMSKIP USA, INC. (VIRGINIA BEACH CI), a/k/a EIMSKIP USA, a/k/a EIMSKIP

**Principal Address: 1424 Baker Road
Virginia Beach, VA 23455**

**SERVE: Charles W. Best, III, Registered Agent
4500 Main Street, Suite 620
Virginia Beach, VA 23462**

and

EIMSKIP, USA, ICELAND STEAMSHIP INC., d/b/a EIMSKIP LOGISTICS (CITY OF VIRGINIA BEACH), a/k/a EIMSKIP TRANSPORT (VIRGINIA BEACH CI), a/k/a EIMSKIP USA, INC. (VIRGINIA BEACH CI), a/k/a EIMSKIP USA, a/k/a EIMSKIP

**Principal Address: 1424 Baker Road
Virginia Beach, VA 23455**

**SERVE: Charles W. Best, III, Registered Agent
4500 Main Street, Suite 620
Virginia Beach, VA 23462**

and

WERRES CORPORATION,

**SERVE: Corporation Service Company, Registered Agent
100 Shockoe Slip, Fl 2
Richmond, VA 23219**

and

THE RAYMOND CORPORATION

**SERVE: State Corporation Commission
Tyler Bldg., 1st Floor
1300 E. Main Street
Richmond, VA 23219**

Defendants.

COMPLAINT

TAKE NOTICE that the undersigned hereby moves the Circuit Court for the City of Norfolk, Virginia, at the courthouse thereof, for a judgment and award against the defendants, jointly and severally, for the sum of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00), with interest and costs for the following, to-wit:

1. That the plaintiff, DANIEL DOTTERER, is a resident of the City of Chesapeake, Virginia.
2. That upon information and belief, and at all relevant times herein, the business located at 1424 Baker Road, Virginia Beach, VA 23455 was owned by Defendant EIMSKIP LOGISTICS, INC., d/b/a EIMSKIP LOGISTICS (CITY OF VIRGINIA BEACH), a/k/a EIMSKIP TRANSPORT (VIRGINIA BEACH CI), a/k/a EIMSKIP USA, INC. (VIRGINIA BEACH CI), a/k/a EIMSKIP USA, a/k/a EIMSKIP (hereinafter "EIMSKIP LOGISTICS").
3. In the alternative, and upon information and belief, and at all relevant times herein, the business located at 1424 Baker Road, Virginia Beach, VA 23455 was owned by Defendant EIMSKIP, USA, ICELAND STEAMSHIP INC., d/b/a EIMSKIP LOGISTICS (CITY OF VIRGINIA BEACH), a/k/a EIMSKIP TRANSPORT (VIRGINIA BEACH CI), a/k/a EIMSKIP USA, INC. (VIRGINIA BEACH CI), a/k/a EIMSKIP USA, a/k/a EIMSKIP (hereinafter "EIMSKIP USA").
4. That the Defendant EIMSKIP LOGISTICS is a Stock Corporation authorized to do business in this Commonwealth with a principal office located at 1424 Baker Road, Virginia Beach, VA and whose registered agent is Charles W. Best, III, 4500 Main Street, Ste 620, Virginia Beach, VA 23462.

5. That upon information and belief, the Defendant EIMSKIP LOGISTICS regularly and/or systematically conducts affairs and/or business activity throughout the Commonwealth of Virginia, including but not limited to within the confines of the City of Norfolk, Virginia.

6. That the Defendant EIMSKIP USA is a Stock Corporation authorized to do business in this Commonwealth with a principal office located at 1424 Baker Road, Virginia Beach, VA and whose registered agent is Charles W. Best, III, 4500 Main Street, Ste 620, Virginia Beach, VA 23462.

7. That upon information and belief, the Defendant EIMSKIP USA regularly and/or systematically conducts affairs and/or business activity throughout the Commonwealth of Virginia, including but not limited to within the confines of the City of Norfolk, Virginia.

8. That the Defendant WERRES CORPORATION, (hereinafter “WERRES”), is a Stock Corporation with a place of business within this Commonwealth and whose registered agent is Corporation Service Company, 100 Shockoe Slip, 2nd Floor Richmond, VA 23219.

9. That the Defendant WERRES regularly and/or systematically conducts affairs and/or business activity within the Commonwealth of Virginia including but not limited to within the confines of the City of Norfolk and maintains a place of business located at 5721 Bayside Road Suite F Virginia Beach, VA 23455.

10. That the defendant, THE RAYMOND CORPORATION, (hereinafter “RAYMOND”), is a foreign Corporation, formed in New York, with a principal place of business located at 22 South Canal Street, Greene, New York 13778 and whose registered agent is unknown.

11. That upon information and belief the defendant RAYMOND, regularly and/or systematically conducts affairs and/or business activity within the Commonwealth of Virginia

including but not limited to within the confines of the City of Norfolk, with and through defendant WERRES and/or other entities.

12. That on or about the 3rd day of April 2020, the plaintiff, DANIEL DOTTERER, was injured while properly and lawfully operating a forklift while lawfully on the property located at 1424 Baker Road, Virginia Beach, VA 23455.

13. That at all relevant times herein, upon information and belief, the subject forklift was owned by Defendant EIMSKIP LOGISTICS.

14. That in the alternative, and upon information and belief, the subject forklift was owned by Defendant EIMSKIP USA.

15. That in the alternative, and upon information and belief, the subject forklift was owned by Defendant WERRES.

16. That in the alternative, and upon information and belief, the subject forklift was owned by Defendant RAYMOND.

17. That in addition and/or in the alternative, the subject forklift was leased to Defendant EIMSKIP LOGISTICS or Defendant EIMSKIP USA by or through Defendant WERRES.

18. That upon information and belief, at all relevant times herein, each Defendant, EIMSKIP LOGISTICS, EIMSKIP USA, WERRES, and RAYMOND, and all Defendants collectively had a duty to service and/or otherwise maintain the subject forklift in good repair and working order through their agents, servants and/or employees.

19. That upon information and belief, at all relevant times herein, each Defendant, EIMSKIP LOGISTICS, EIMSKIP USA, WERRES, and RAYMOND, and all Defendants collectively owed the plaintiff a duty of reasonable care to keep the subject forklift in a reasonably safe condition for the plaintiff and other operators and to exercise reasonable care to make sure

that the forklift was free of hazardous conditions that were known or should be known to/by the defendants and/or their agents, servants and/or employees, and a duty to use care to warn the plaintiff and other operators of said equipment and further to take adequate precautions to avoid the risk of injury to the operators of said equipment.

20. That hazardous condition/s existed within the subject forklift at the aforementioned date, specifically including but not limited to faulty brakes, faulty master cylinder(s), or other faulty mechanics of the subject forklift of which the Defendants knew or should have known.

21. That upon information and belief, the Defendants, their agents, servants, and/or employees created the aforesaid hazardous condition/s.

22. That the defendants breached their duties to the plaintiff and other operators by creating and/or failing to repair the aforesaid hazardous condition/s, failing to maintain the subject forklift in good repair, failing to conduct and enforce regular and periodic maintenance protocol, failing to make proper repairs to the subject forklift, failing to properly train and enforce their agents and/or employees, failing to institute and/or enforce proper maintenance schedule, failing to supervise and perform proper maintenance of the subject forklift and failing to warn plaintiff of said hazardous conditions.

23. That as a direct and proximate result of each and/or all of the Defendants' negligence, the plaintiff was seriously injured from the hazardous condition/s when the forklift malfunctioned causing the subject forklift to collide with another forklift and causing the plaintiff's foot to become stuck/smashed/injured.

24. That these injuries to the plaintiff, the shock and distress resulting from this incident have caused, are causing, will and/or may continue to cause inconvenience to the plaintiff as well as past, present, and/or future pain and suffering, both mental and physical, and these injuries have

required and may continue to require the plaintiff to expend sums of money for past, present, and future medical care.

25. That the plaintiff has been unable to perform many of the usual personal affairs of an individual of that age and position in life, and in the future, the plaintiff will or may continue to be unable to perform all of such affairs.

26. That the plaintiff has or may have missed time and lost earnings and/or benefits from the plaintiff's employment and in the future will or may continue to lose time, income, and earning capacity as well as other benefits from the plaintiff's employment and occupation.

27. That the aforesaid injuries may continue to disable plaintiff from other activities formerly associated with his person and station in life.

28. The plaintiff demands a trial by jury.

WHEREFORE, the plaintiff demands judgment against the defendants, jointly and severally, in the amount of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00), plus prejudgment interest and costs expended herein.

DANIEL DOTTERER

By  _____

Of Counsel

Andrew Boran, Esq.
RUTTER MILLS, L.L.P.
160 W. Brambleton Avenue
Norfolk, Virginia 23510
(757) 622-5000
(757) 623-9189 - Fax



SOP-19.1
(10/19)

**COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION**

**SERVICE OF PROCESS, NOTICE, ORDER OR DEMAND
ON THE CLERK OF THE STATE CORPORATION COMMISSION
AS STATUTORY AGENT**

1. Service on the Clerk of the State Corporation Commission relates to the following proceeding:

Style of Proceeding: DANIEL DOTTERER v. THE RAYMOND CORPORATION, et al
(e.g. name of the plaintiff vs. name of the defendant, or In the matter of..., etc.)

Proceeding Pending in: Norfolk Circuit Court
(Jurisdiction)

(Name of Court or Tribunal)

Court's Case / Matter No.: _____

Court's Address: 150 St. Paul's Blvd, 7th Floor, Norfolk, VA 23510-2773
(Mailing Address)

2. Service on the Clerk of the State Corporation Commission is being made pursuant to Virginia Code §§ 12.1-19.1 and **(mark the appropriate box):** [See the Instructions for more information.]

☐ 13.1-637 B
☐ 13.1-758 F
☒ 13.1-766 B
☐ 13.1-767 D
☐ 13.1-768 D
☐ 13.1-836 B
☐ 13.1-920 E

☐ 13.1-928 B
☐ 13.1-929 E
☐ 13.1-930 D
☐ 13.1-1018 B
☐ 13.1-1056 D
☐ 13.1-1056.1 C
☐ 13.1-1057 E

☐ 38.2-801
☐ 38.2-809
☐ 38.2-1216
☐ 38.2-5103
☐ 50-73.7 B
☐ 50-73.58 D

☐ 50-73.58:1 C
☐ 50-73.59 E
☐ 50-73.134 F
☐ 50-73.135 G
☐ 50-73.139
☐ 50-73.140

☐ Other Virginia Code section or statutory authority (specify): _____

3. Pursuant to the foregoing legal authority, the Clerk of the Commission is being served as statutory agent of THE RAYMOND CORPORATION,
(name of defendant / business entity)

whose mailing address for this service of process is [One address per form. See Instructions.]
22 South Canal Street, Greene, NY 13778
(number / street, P.O. Box, Rural Route, etc.) (city or town) (state) (zip code)

4. The Clerk's Office should mail its receipt (or rejection letter) to:

Name: Rutter Mills, LLP

Attn: Kathy Saunders, Paralegal

Address: 160 W. Brambleton Ave, Norfolk, VA 23510
(number / street, P.O. Box, Rural Route, etc.) (city or town) (state) (zip code)

Telephone No: 757-622-5000
(optional)

Email: ksaunders@ruttermills.com
(optional)

**THREE COPIES OF THIS FORM MUST BE SUBMITTED
WITH TWO COPIES OF THE PAPERS TO BE SERVED**

REVIEW THE INSTRUCTIONS BEFORE SUBMITTING THIS FORM